

REMARKS

Claims 1-16 and 22-29 are pending and under consideration. No new matter is presented in this Response.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1 and 11 are rejected under 35 U.S.C. §102(e) as being anticipated by Tomita et al. (U.S. Patent Publication 2003/0202436 A1).

It is respectfully submitted that Tomita et al. is not available as a prior art reference under 35 U.S.C. §102(e). MPEP 2136.03 (I) states that the "applicant may be able to overcome the 35 U.S.C. §102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. §119 priority date which is earlier than the reference's U.S. filing date. In Re Hilmer, 359 F.2d 859, 149 USPQ 480 (CCPA 1966)." Tomita et al. was filed in the U.S. on April 17, 2003. The instant application is entitled to a 35 U.S.C. §119 priority date of November 4, 2002, based on Korean Patent Application No. 2002-67968. Furthermore, pursuant to MPEP 201.15, a verified English translation of Korean Patent Application No. 2002-67968 is enclosed with this Response supporting the 35 U.S.C. §119 priority date of November 4, 2002 of the instant application. Thus, it is respectfully submitted that the rejection of claims 1 and 11 should be withdrawn for at least this reason.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 2, 4, 5 and 12

Claims 2, 4, 5 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tomita et al. (U.S. Patent Publication 2003/0202436 A1) in view of Jeon et al. (U.S. Patent Publication No. 2005/0099916 A1). It is respectfully submitted that the rejection of claims 2, 4, 5 and 12 should be withdrawn because Tomita et al. is not available as a prior art reference under 35 U.S.C. §102(e), and therefore, Tomita et al. is not available as a prior art reference under 35 U.S.C. §103(a).

Furthermore, it is respectfully submitted that Jeon et al. is also not available as a reference under 35 U.S.C. §103(a), because Jeon et al. is not available as a reference under 35

U.S.C. §102(e). Jeon et al. was filed in the U.S. on August 22, 2003, and as noted above with respect to claims 1 and 11, the instant application is entitled to a 35 U.S.C. §119 priority date of November 4, 2002, based on Korean Patent Application No. 2002-67968. Thus, it is respectfully submitted that the rejection of claims 2, 4, 5, and 12 should be withdrawn for this reason as well.

Claims 3, 13, 14 and 15

Claims 3, 13, 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tomita et al (U.S. Patent Publication 2003/0202436 A1) and Jeon et al. (U.S. Patent Publication No. 2005/0099916 A1), as applied to claims 2 and 12 above, and further in view of Nishiuchi et al (U.S. Patent 6,894,962 B1). It is respectfully submitted that the rejection of claims 3, 13, 14 and 15 should be withdrawn because neither Tomita et al. nor Jeon et al. are available as prior art references under 35 U.S.C. §102(e), and therefore, neither Tomita et al. nor Jeon et al. are available as prior art references under 35 U.S.C. §103(a).

Claims 22 and 25-28

Claims 22 and 25-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tomita et al. (U.S. Patent Publication 2003/0202436 A1) in view of Kusumoto et al. (U.S. Patent 6,295,262 B1). It is respectfully submitted that the rejection of claims 22 and 25-28 should be withdrawn because Tomita et al. is not available as a prior art reference under 35 U.S.C. §102(e), and therefore, Tomita et al. is not available as a prior art reference under 35 U.S.C. §103(a).

Claims 23 and 24

Claims 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tomita et al (U.S. Patent Publication 2003/0202436 A1) and Kusumoto et al. (U.S. Patent 6,295,262 B1), as applied to claim 22 above, and further in view of Nishiuchi et al. (U.S. Patent 6,894,962 B1). It is respectfully submitted that the rejection of claims 23 and 24 should be withdrawn because Tomita et al. is not available as a prior art reference under 35 U.S.C. §102(e), and therefore, Tomita et al. is not available as a prior art reference under 35 U.S.C. §103(a).

Based on the foregoing, the rejections of claims 1-5, 9, 11-15 and 22-28 are respectfully requested to be withdrawn.

ALLOWABLE SUBJECT MATTER:

Claims 6-8, 10, 16 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this Response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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